

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 2, 1999**

## DIVISION ONE

[illegible]

The order revoking defendant's probation is reversed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

DIVISION TWO

B125168      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Molly M.

The judgment is affirmed.

Nott, J.

We concur:   Boren, P.J.  
                      Zebrowski, J.

DIVISION TWO (Continued)

B117957      Benton Construction Corporation      (Not for Publication)  
                 v.  
                 Richburg

The judgment is reversed. Respondent's cross-complaint is reinstated.  
Costs to appellant.

Nott, Acting P.J.

We concur:    Zebrowski, J.  
                 Mallano, J. (Assigned)

B121977      People      (Not for Publication)  
                 v.  
                 Valle

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

B124209      People      (Not for Publication)  
                 v.  
                 Carothers

The Court:

The judgment is modified to reflect a \$200 restitution fine pursuant to Penal Code section 1202.4, subdivision (b), and a \$200 parole revocation fine pursuant to Penal Code section 1202.45, the latter fine to be suspended unless appellant's parole is revoked. The abstract of judgment is to be corrected to reflect these fines. In all other respects, the judgment is affirmed.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

## DIVISION TWO (Continued)

B119703      People                          (Not for Publication)  
v.  
**Williams**

The abstract of judgment is ordered to be modified in accordance with the preceding paragraph, and, as modified, is ordered to be forwarded to the Department of Corrections. In all other respects the judgment is affirmed.

Mallano, J. (Assigned)

We concur:   Boren, P.J.  
                      Nott, J.

B122013      People      (Not for Publication)  
v.  
Evans

Appellant's conviction of the offense of second degree murder is affirmed. The order finding that appellant suffered a prior juvenile adjudication which qualified as a serious felony prior conviction under the three strikes law, is set aside and the matter is remanded to the trial court for further proceedings to determine whether appellant's prior juvenile robbery adjudication qualifies as a strike under the three strikes law. Appellant shall then be sentenced accordingly, including the imposition of appropriate fines.

Mallano, J. (Assigned)

We concur: Boren, P.J.  
Zebrowski, J.

March 2, 1999-Continued

DIVISION THREE

B120689      People                                  (Not for Publication)  
v.  
Dennis Javier D.

The order of wardship is affirmed.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

B117578 People (Not for Publication)  
v.  
Deborah Wilkes

The judgment is modified to award Wilkes credit for 218 days actually served and 108 days of good time/work time, or a total of 326 days of presentence custody credit. In all other respects, the judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

B110191 Cesare Ades, et al. (Not for Publication)  
v.  
Herbert J. Young, et al.

The judgment of dismissal is affirmed. Defendants are awarded costs on appeal.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

March 2, 1999-Continued

### DIVISION THREE (Continued)

B120368 Syed Baqar Raza, et al. (Not for Publication)  
v.  
Southern California Permanente Medical Group, etc. et al.

The judgment is affirmed. Costs on appeal awarded to defendants.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

B118277      Mark Linday                      (Not for Publication)  
v.  
Robert L. Brent, et al.

The order granting motions brought by defendants Robert L. Brent, Landsman, Frank and Sinclair, Mervyn Lndasman, Paul Revere Dick, and RRR, Inc. to strike allegations of civil conspiracy and punitive damages, and the order imposing sanctions in favor of defendants and against plaintiff Lindsay, are reversed and the matter is remanded to the trial court for further proceedings. The motions for sanctions on appeal are denied. Costs on appeal are awarded to Lindsay.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

## DIVISION FOUR

B116887      Clapperton      (Not for Publication)  
v.  
Allstate Insurance Co.

The judgment is reversed. Appellant is awarded its costs.

Cooper (F.M.), J. (Assigned)

We concur: Epstein, Acting P.J.  
Hastings, J.

DIVISION FOUR (Continued)

B116771      People  
v.  
Brown

(Not for Publication)

We direct the trial court to prepare an amended abstract of judgment that reflects the two fines imposed at the sentencing hearing. The judgment is otherwise affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

B121813 People (Not for Publication)  
v.  
Silva

The Court:

For the foregoing reasons, the judgment is modified to impose a fine in the sum of \$200 pursuant to Penal Code section 1202.4, to impose and suspend a fine in the sum of \$200 pursuant to Penal Code section 1202.45, to impose a laboratory analysis fee of \$50 pursuant to Health and Safety code section 11372.5, to impose a penalty assessment in the sum of \$50 pursuant to Penal Code section 1464, and to impose a penalty assessment in the sum of \$35 pursuant to Government Code section 76000. As modified the judgment is affirmed. The Superior Court is directed to prepare an amended abstract of judgment in accord with this modification.

Vogel (C.S.), P.J., Epstein, J., Curry, J.

DIVISION FOUR (Continued)

B113504      Geminder      (Not for Publication)  
v.  
20th Century Insurance Company

The order granting summary judgment on appellant's cross-complaint is reversed and the case remanded to the trial court for further proceedings. Appellant is to recover her costs on appeal.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B126913      Bruce Millsap      (Certified for Publication)  
v.  
Superior Court, Los Angeles County  
(The People, r.p.i.)

Let a peremptory writ of mandate issue commanding the respondent court to direct that DDAs Kevin J. McCormick and Anthony J. Myers be recused from trying the solicitation charges against petitioner Millsap, now alleged in counts 25 and 26 of the amended information. In all other respects the petition for extraordinary relief is denied.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

DIVISION FOUR (Continued)

B126743      Pitts      (Not for Publication)

v.

S.C.L.A.

Tito's Tacos Mexican Restaurant

The order to show cause, having served its purpose, is dissolved. Let a peremptory writ of mandate issue ordering the respondent court to vacate that portion of its order of October 5, 1998, which granted summary adjudication on the cause of action for breach of the stock purchase agreement as to real party Davidson individually and as trustee of the Davidson Trust and summary adjudication on the cause of action for intentional interference with prospective economic advantage as to real party Tito's Tacos, and to make a new and different order denying summary adjudication as to said parties on said causes of action. Petitioner is awarded costs.

Curry, J.

We concur:    Vogel (C.S.), P.J.  
                     Epstein, J.

B118846      People      (Not for Publication)

v.

Drayton

The Court:

For the foregoing reasons, the judgment is modified to impose and suspend a fine in the sum of \$1000 pursuant to Penal Code section 1202.45, and as modified, is affirmed. The superior court is directed to prepare an amended abstract of judgment which accurately reflects the fines.

Epstein, Acting P.J., Hastings, J., Curry, J. (Assigned)



March 2, 1999-Continued

## DIVISION FOUR (Continued)

[illegible]

The order is affirmed. Mr. Strong is entitled to his costs on appeal and attorney's fees incurred in defending Ms. Jergins' appeal, the amount to be determined by the trial court.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Curry, J.

## DIVISION SIX

B124958      In Re Ramey on Habeas Corpus      (Certified for Publication)

Let a writ of habeas corpus issue. Respondent court is ordered to vacate its order of February 19, 1998, and enter a new order permanently stay the imposition of sentence for the section 1202.1 enhancement. The order to show cause, having served its purpose, is discharged.

Coffee, J.

We concur:    Gilbert, Acting P.J.  
                       Yegan, J.

B122588      Platz      (Not for Publication)  
v.  
County of San Luis Obispo

The judgment of the trial court is reversed. We remand to the trial court to order a reassessment of the property under rule 10(d). Costs to appellants.

Coffee, J.

We concur:    Gilbert, Acting P.J.  
                       Yegan, J.

March 2, 1999-Continued

## DIVISION SEVEN

[illegible]

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.

[illegible]

The order under review is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.  
Neal, J.

B116354      Aldridge      (Not for Publication)  
v.  
Zulpo-Dane, et al.

The judgment is affirmed. Appellant is further adjudged to be a vexatious litigant pursuant to Code of Civil Procedure section 391 et seq. and ordered to comply with the provisions of the vexatious litigant statutes. Sanctions on appeal are awarded to respondents and their attorneys in the total amount of \$2,300. Respondents to recover costs of appeal.

Woods, J.

We concur: Johnson, Acting P.J.  
Neal, J.

DIVISION SEVEN (Continued)

B116681     O'Donnell  
              v.  
              Deo

Filed order denying petition for rehearing.

B122796     Neil L. Krupnick & Associates  
              v.  
              Zuziak

Filed order denying petition for rehearing.